

Misbranding of the article was alleged in substance in the libel for the reason that the packages or labels bore and contained false and fraudulent statements regarding the curative and therapeutic effect of said drugs, to wit, (carton) "Black-Caps For the treatment of Gonorrhoea, Urethritis, Cystitis, and other inflammatory conditions of the Urinary Tract," (circular) "* * * Inflammatory Affections Of The Genito-Urinary Organs * * * stimulant to the mucous membranes, especially of the Genito-Urinary tract, * * * in the relief of inflamed or irritated conditions of the passages, * * * in the treatment of specific Urethritis (simple Gonorrhoea), * * * chronic Cystitis (inflammation of the bladder) resulting from Gonorrhoea, Leucorrhoea, Vaginal Gonorrhoea, subacute and chronic Pyelitis, atonic impotence, * * * Prostatic abscess, chronic inflammation of the vesical neck (bladder), accompanied by tenesmus (ineffectual straining), nocturnal and incontinence of urine," which said false and fraudulent claims related to false curative properties of said drugs in venereal diseases.

On March 5, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9014. Adulteration of butter. U. S. * * * v. 340 Tubs * * * of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 10902. I. S. No. 7728-r. S. No. C-1394.)

On August 2, 1919, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 340 tubs, more or less, of butter, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by H. A. Ertz Co., St. Paul, Minn., on or about July 31, 1919, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that an excessive amount of water had been mixed and packed with the butter; for the further reason that a product deficient in milk fat and high in moisture had been substituted wholly and in part for the article; and for the further reason that a valuable constituent, to wit, butter fat, had been [in part] abstracted.

On September 28, 1919, H. A. Ertz Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9015. Misbranding of Milks Emulsion. U. S. * * * v. 27 Dozen Small and 16 Dozen Large Bottles of * * * Milks Emulsion. Consent decree of misbranding. Product released on bond. (F. & D. Nos. 11325, 11363. I. S. Nos. 2064-r, 2665-r. S. Nos. W-499, W-500.)

On September 26, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels, and on October 14, 1919, an amended libel in which two cases were consolidated, for the seizure and condemnation of 27 dozen small and 16 dozen large bottles of Milks Emulsion, consigned by Milks Emulsion Co., Terre Haute, Ind., remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on April 24, May 7, May 14, and June 19, 1919, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of petrolatum, with small amounts of sirup, glycerin, methyl salicylate, and lemon oil.

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that it was labeled in part on the bottles, "Net Weight 29 ounces," or "Net Weight 12 ounces," and in the booklet, "Milks Emulsion contains a great amount of fat," which statements were false and misleading in that the weight of the contents of the bottles in the first three shipments was 21.7 and 9.2 ounces, respectively, and the weight of the contents of the bottles in the fourth shipment was 19.1 and 8.25 ounces, respectively, and the article contained no fat product.

Misbranding was alleged in substance for the further reason that the article was labeled in part, (carton) "A valuable remedy for Dyspepsia, Indigestion, Catarrh of the Stomach and Bowels, * * * Coughs due to Sore Throat, Bronchitis, or Pneumonia, Incipient Consumption, Bronchial Asthma, Catarrhal Croup. * * * strengthens the digestive organs * * * enriching the blood and increasing the flesh. It gives relief in curable Throat, Lung, Stomach, and Bowel Troubles, cleans and heals the afflicted parts and enables the machinery of the body to do its work properly, thus restoring strength and flesh and contributing to perfect health. Is very beneficial in incipient consumption, * * * Coughs due to Sore Throat, Bronchitis or Pneumonia, Bronchial Asthma, Dyspepsia, Indigestion, * * * Especially Beneficial in the Ills of Children. It builds up their system, enriches their blood, improves the appetite, strengthens the throat, lungs and stomach, which are only too often the cause of croupy, weak and puny children. Milks Emulsion relieves catarrhal croup * * * strengthens their children * * * thus rendering them less liable to many of the contagious diseases so common among children," (booklet) " * * * dyspepsia, indigestion, catarrh of the stomach and bowels * * * bronchitis * * * coughs, spasmodic croup, consumption (in its early stages) bronchial asthma * * * stomach trouble in its various forms * * * gastritis * * * catarrh of the stomach and intestines * * * neuralgia of the stomach * * * will start the accumulation of pus from the cavities that formed in the lungs by the eating away of the tissues of the walls of the air cells by the tubercular germ, in ten to twenty-four hours. * * * will cause the consumptive to expectorate very freely, and loosen the cough as well * * * an absolute preventive for spasmodic croup * * * will build up the system, improve the appetite, enrich the blood and strengthen the organs of the throat and lungs which are only too often the cause of croupy, sick and puny children. * * *," which statements regarding the curative and therapeutic effect of the article were false and fraudulent as it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 18, 1919, the case having come on for final disposition, and the Milks Emulsion Company, Terre Haute, Ind., claimant, having consented to a decree, judgment declaring the product to be misbranded was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9016. Misbranding of Texas Wonder. U. S. * * * v. 288 Bottles and 127 Bottles of * * * Texas Wonder * * *. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11855, 11856. I. S. Nos. 9194-r, 9195-r. S. Nos. C-1664, C-1665.)

On December 29, 1919, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 288 bottles and 127 bottles of Texas Wonder, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Mallinckrodt